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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,531	07/28/2003	Simon Palushi	7233-P3001.002	4298
23399	7590	01/27/2006	EXAMINER	
REISING, ETHINGTON, BARNES, KISSELLE, P.C.			NGUYEN, DUNG V	
P O BOX 4390			ART UNIT	
TROY, MI 48099-4390			PAPER NUMBER	
			3723	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,531

Applicant(s)

PALUSHI, SIMON

Examiner

Dung V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-35 and 37-39 is/are pending in the application.
4a) Of the above claim(s) 17-35 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2, 3, 5-8, 10, 13, 15, 16, 37 and 38 is/are rejected.
7) ☒ Claim(s) 4, 9, 11 and 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 6, 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (USPN 3,146,559) in view of Rivard et al (USPN 6,262,164). Wilkinson discloses a power cleaning and sanding machine for finishing floor comprising a frame 12, a plurality of floor finishing units 40 mounted on the frame 12 and positioned in a tandem arrangement, an electrical box 48 mounted to the frame, the plurality of floor finishing units being wired directly to and independently controlled by the electrical service box 48, a jack 16 attached to the frame 12 for adjusting a height of the frame 12 with respect to the floor to be finished to adjust the height of the plurality of floor finishing units 40 (note Fig. 4, col. 3, line 1 to col. 4, line 40). However, Wilkinson does not disclose one floor finishing units includes abrasive grit different from other floor finishing unit. Rivard et al discloses a floor finishing unit includes different abrasive grit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sanding machine of Wilkinson with an abrasive unit including different abrasive grit in order to provide a simple and versatile arrangement for varying abrasive characteristic to a workpiece.

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3. Claims 5, 7, 8, 13, 15, 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson in view of Rivard et al as applied to claim 2 above, and further in view of Tano et al (USPN 4,570,388). Wilkinson, as modified by Rivard et al, lacks floor finishing units pivotably mounted to a frame which comprises strut, upright attached to strut, a cross-member attached to strut, a link attached to the cross-member. Tano et al discloses a power cleaning and sanding machine comprising a frame and a plurality of floor finishing units 11 mounted to the frame and positioned in a tandem arrangement, wherein the plurality of floor finishing units 11 are pivotably mounted to the frame, wherein the plurality of floor finishing units 11 are adjustable in height with respect to the frame, the frame comprising a strut 3, an upright attached to the strut 3, a cross-member 4 attached to the strut 3, a beam 16 attached to the strut 4, a link 17 attached to the beam 16, wherein the link 17 is pivotably mounted to the beam 16 (note Fig. 1-3, col. 2, line 34 to col. 3, line 58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sanding machine of Wilkinson, as modified by Rivard et al, with a frame as disclosed by Tano et al in order to provide a stable and uniform cleaning operation.

Allowable Subject Matter

4. Claim 39 is allowed.

5. Claims 4, 9, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 21 November 2005 have been fully considered but they are not persuasive.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Moreover, applicant argues "At best, the combination of Wilkinson and Rivard would yield use of the Rivard multi-abrasive pad for use on all pads of the Wilkinson device. In other words, Wilkinson and Rivard do not disclose separate floor finishing units having different abrasive grits", Rivard discloses a floor finishing unit includes different abrasive grits, therefore, the combination of Wilkinson and Rivard results in a plurality of floor finishing units having an abrasive grit different from others. Applicant argues "Tano fails to disclose, teach, or suggest at least one of a plurality of floor finishing units including an abrasive grit different from at least one other plurality of floor finishing units", the combination of Wilkinson, Rivard and Tano results in a plurality of floor finishing units having an abrasive grit different from others.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teaching to do so is found in the knowledge generally available to one of ordinary skill in the art.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

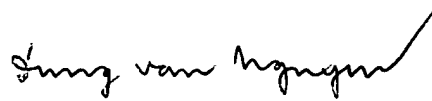
10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V. Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on M-F, 7:00-3:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DUNG VAN NGUYEN
PRIMARY EXAMINER

DVN
January 24, 2006